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CITY OF SEATTLE
MAYOR'S OFFICE

IN THE SUPERIOR COURT OF WASHINGTON
COUNTY OF KING

JIMI M. BELLINGER,

Plaintiff,

vs.

The STATE OF WASHINGTON; SEATTLE
CENTRAL COMMUNITY COLLEGE; the
CITY OF SEATTLE; MARTY A. MALONE,
TAMMY B. FRAME, and SERGEANT
RENNER, employees of the Seattle Police
Department; JOEL J. WORKINGER, employee
of Seattle Central Community College; and
DOES I THROUGH X, inclusive,

Defendants.

Case No.

SUMMONS

TO: CITY OF SEATTLE

A lawsuit has been started against you in the above-entitled court.

Plaintiff's claims are stated in the written Complaint for Damages, a copy of which is
served upon you with this Summons.

SUMMONS - 1
BELLINGER V. CITY OF SEATTLE, ET AL.

Civil Rights Justice Center PLLC
2150 North 107th St. Ste. 520
Seattle, Washington 98133
(206) 577-7719 / Fax: (206) 659-0183

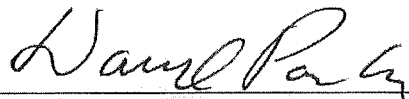
1 In order to defend against this lawsuit, you must respond to the Complaint by stating your
2 defense in writing, and by serving a copy upon the person signing this Summons within 20 days
3 after the service of this Summons, or within 60 days if this Summons was served outside the
4 State of Washington, excluding the day of service, or a default judgment may be entered against
5 you without notice. A default judgment is one where Plaintiff is entitled to what has been asked
6 for because you have not responded. If you serve a notice of appearance on the undersigned
7 person, you are entitled to notice before a default judgment may be entered. A copy of your
8 answer and all other responsive pleadings must be filed with the Court.

9 If you wish to seek the advice of an attorney in this matter, you should do so promptly so
10 that your written response, if any, may be served on time.

11 THIS SUMMONS is issued pursuant to Civil Rule 4, Rules for Superior Court, State of
12 Washington.

13 DATED this 14th day of July, 2016.

14 CIVIL RIGHTS JUSTICE CENTER, PLLC

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16 **Darryl Parker**, WSBA #30770
17 dparker@civilrightsjusticecenter.com
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CITY OF SEATTLE
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IN THE SUPERIOR COURT OF WASHINGTON
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JIMI M. BELLINGER,

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vs.

The STATE OF WASHINGTON; SEATTLE
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RENNER, employees of the Seattle Police
Department; JOEL J. WORKINGER, employee
of Seattle Central Community College; and
DOES I THROUGH X, inclusive,

Defendants.

) Case No.

) **COMPLAINT FOR DAMAGES**

) (Civil Rights, Personal Injury, Jury Trial
) Demanded)

INTRODUCTION

1. This is an action for damages sustained by a resident of Burien, Washington against the State of Washington, Seattle Central Community College, the City of Seattle, and three of its police officers who, through their intentional conduct and reckless and conscious

1 disregard for the Fourth and Fourteenth Amendments, have caused plaintiff Jimi M. Bellinger to
2 suffer deprivation of his liberty, and mental and emotional distress.

3 **VENUE**

4 2. All of the unlawful acts and practices alleged herein occurred in the City of
5 Seattle, within King County. Thus, the Seattle Courthouse is the appropriate forum for this
6 matter.

7 **PARTIES**

8 3. Plaintiff Jimi M. Bellinger is an adult African American male citizen of the
9 United States and a resident of the State of Washington.

10 4. Defendant Seattle Central Community College is a public college funded by, duly
11 organized by, and existing under the laws of the State of Washington.

12 5. Defendant City of Seattle, is now, and at all times mentioned herein was, a
13 governmental entity and a political subdivision of the State of Washington, duly organized and
14 existing under the laws of the State of Washington.

15 6. Defendant Joel J. Worker is a security guard for Seattle Central Community
16 College and, in doing the things complained of herein, was acting under color of law and within
17 the course and scope of his employment by Seattle Central Community College.

18 7. Defendant Marty A. Malone is an officer with the Seattle Police Department and,
19 in doing the things complained of herein, was acting under color of law and within the course
20 and scope of his employment by the City of Seattle.

21 8. Defendant Tammy B. Frame is an officer with the Seattle Police Department and,
22 in doing the things complained of herein, was acting under color of law and within the course
23 and scope of her employment by the City of Seattle.

1 9. Defendant Sergeant Renner is an officer with the Seattle Police Department and,
2 in doing the things complained of herein, was acting under color of law and within the course
3 and scope of his employment by the City of Seattle.

4 10. Defendants Does 1 through X, in doing the things complained of herein, were
5 acting under color of law and within the course and scope of their employment by the State of
6 Washington, the Seattle Police Department, the City of Seattle, and/or Seattle Central
7 Community College.

8 11. Each defendant is, and at all times herein mentioned was, an agent of the other
9 and acting within the course and scope of that agency in causing the harm as herein alleged.

10 ADMINISTRATIVE PROCEEDINGS

11 12. Within the statutory time period, on April 21, 2016, plaintiff filed a tort claim,
12 arising out of the events alleged herein, against the State of Washington and Seattle Central
13 Community College pursuant to RCW 4.92.100. Pursuant to RCW 4.92.110, the claim was
14 rejected by the State on May 13, 2016.

15 13. Within the statutory time period, on May 13, 2016, plaintiff filed a tort claim,
16 arising out of the events alleged herein, against the City of Seattle pursuant to RCW 4.96.020
17 and SMC 5.24.005. Pursuant to RCW 4.96.020(4) and SMC 5.24.005(C), the claim was rejected
18 by operation of law on July 12, 2016.

19 STATEMENT OF FACTS

20 14. On February 3, 2016, at approximately 12:00 p.m., plaintiff entered the Seattle
21 Central Community College library, located at 1700 Broadway, Seattle, WA, 98122 and began
22 reading magazines.

23 15. Plaintiff is an African American male.

1 16. Prior to plaintiff entering the library, Yashimoto Saki, an adult Asian female, was
2 using a computer when an adult Hispanic male sat one seat away from Saki, looked at her,
3 exposed his penis to her, and appeared to masturbate in her presence. She did not look back at
4 him and thus never saw his face.

5 17. Saki, disturbed by the Hispanic male's actions, got up and left the area, and spoke
6 to a librarian about what she had seen. When she and the librarian returned to the area, nobody
7 was sitting there.

8 18. Plaintiff, who had just entered the library, was then detained by Seattle Central
9 and imprisoned by Security officer Joel J. Workerger without reasonable suspicion and even
10 though plaintiff could not have been the person who committed the above acts. The school's
11 own surveillance video confirms this.

12 19. The police were contacted, and plaintiff was detained until the police arrived.
13 When the police arrived, Officer Tammy Frame, who lacked probable cause to arrest plaintiff for
14 anything and who did not conduct an investigation, arrested plaintiff and charged him with
15 Indecent Exposure in violation of SMC 12A.10.130. Plaintiff believes that his race was a factor
16 in his hasty arrest because he was an African American male, and not because there was any
17 evidence that he actually committed the above acts. Plaintiff was arrested at approximately 1:49
18 p.m.

19 20. At 2:14 p.m., after plaintiff had been arrested and removed from the scene,
20 Officer Marty Malone interviewed Saki. She stated that she could not identify the man who
21 exposed himself to her because she never really looked at him, but thought that he was wearing
22 brown clothing and a hat. Plaintiff was wearing black clothing at the time. The school
23 surveillance video, which was available prior to plaintiff's arrest, proves that plaintiff was guilty

1 of no crime. This evidence was ignored by all of the defendants. Officer Malone failed to
2 communicate to other officers that there was no probable cause to take plaintiff to jail, or that he
3 should be released in violation of his Fourth Amendment rights.

4 21. Around 3:00 p.m., plaintiff was physically transported to King County Jail, where
5 he was booked, fingerprinted, undressed, and forced to wear a red jumpsuit and photographed
6 and given an incarceration number. Plaintiff was held in jail until the next day, more than 24
7 hours, before being released.

8 22. Based on the video, the charges against plaintiff were dismissed with prejudice.

9 23. Plaintiff had no previous criminal record, and suffered emotional pain,
10 humiliation, anguish, anxiety, and fear while being wrongfully detained and arrested. Plaintiff
11 spent more than 24 hours in jail for a crime he did not commit.

12 24. Sergeant Renner ratified the conduct of the other officers when he screened the
13 arrest at the East Precinct.

14 25. Officer Malone participated in the process of arresting and detaining plaintiff
15 when he filed a police report containing the false statement that Saki identified plaintiff, when in
16 fact Saki could not identify anyone.

17 **FIRST CLAIM FOR RELIEF**

18 (42 U.S.C. § 1983 – Violation of Fourth Amendment – Unlawful Seizure and Arrest Without
19 Probable Cause against defendants Frame, Malone, Renner, and Workinger)

20 26. Plaintiff realleges and incorporates by reference herein paragraphs 1 through 25
21 with the same force and effect as if such paragraphs were separately realleged in this First Claim
22 for Relief.

27. The actions of Joel Worker in detaining plaintiff and arresting plaintiff without reasonable suspicion or probable cause violated plaintiff's Fourth Amendment right to be free from deprivations of liberty without reasonable suspicion or probable cause in violation of 42 U.S.C. § 1983.

28. The actions of Officer Frame in arresting plaintiff without probable cause violated plaintiff's Fourth Amendment right to be free from deprivations of liberty without due process of law in violation of 42 U.S.C. § 1983.

29. The actions of Officer Malone in stating falsely in the police report that probable cause existed to arrest plaintiff and not communicating the fact that the victim could not identify anyone violated plaintiff's Fourth Amendment right to be free from deprivations of liberty without due process of law in violation of 42 U.S.C. § 1983.

30. The actions of Sergeant Renner in screening and approving plaintiff's arrest violated plaintiff's Fourth Amendment right to be free from deprivations of liberty without due process of law in violation of 42 U.S.C. § 1983.

31. Defendants Frame, Malone, Renner, and Worker subjected plaintiff to such deprivations by malice and a reckless and conscious disregard of his rights for which an award of punitive damages is warranted.

32. The direct and proximate result of defendants' acts is that plaintiff was forced to endure mental pain and suffering and emotional distress, was deprived of his physical liberty, and incurred legal expenses.

SECOND CLAIM FOR RELIEF

(42 U.S.C. § 1983 - Violation of Fourteenth Amendment - Equal Protection – against defendants
Frame and Workingham)

33. Plaintiff realleges and incorporates by reference herein paragraphs 1 through 32 with the same force and effect as if such paragraphs were separately realleged in this Second Claim for Relief.

34. The actions of Joel Worker in detaining and arresting plaintiff without reasonable suspicion and probable cause because he was African American, violated plaintiff's Fourteenth Amendment right to equal protection under the law in violation of 42 U.S.C. § 1983.

35. The actions of Officer Frame in arresting plaintiff without probable cause because he was African American, violated his Fourteenth Amendment right to equal protection under the law in violation of 42 U.S.C. § 1983.

THIRD CLAIM FOR RELIEF

(42 U.S.C. § 1983 – Monell Claim – City of Seattle)

36. Plaintiff realleges and incorporates by reference herein paragraphs 1 through 35 with the same force and effect as if such paragraphs were separately realleged in this Third Claim for Relief.

37. Policymakers for the City of Seattle know to a moral certainty that City of Seattle police officers will be required to confront and detain persons suspected of criminal acts.

38. The City of Seattle has not sufficiently trained its officers in investigating, detaining, and making arrests only in cases where probable cause to arrest exists. Specifically, these officers have not been trained on whether to physically arrest someone who a victim has failed to identify.

39. Said failure to train has exposed those who are in compliance with the law to unreasonable seizures and arrests without probable cause.

1 40. The need to train officers in the constitutional limitations on arrests without
2 probable cause can be said to be “so obvious” that the failure to do so could properly be
3 characterized as “deliberate indifference” to constitutional rights.

4 41. In general, the pleadings contain sufficient evidence to establish the following
5 facts: (1) a violation of plaintiff’s federally-protected rights, to wit, his Fourth Amendment
6 rights; (2) inadequate training of employees, to wit, gross failure to ensure that probable cause
7 existed as to plaintiff’s arrest, given the circumstances; and (3) causation between the inadequate
8 training and each of plaintiff’s injuries.

9 42. The City of Seattle breached its duty of care to plaintiff as a citizen because it
10 failed to adequately train its officers, including those named in this complaint. This lack of
11 adequate supervisory training is so gross that it demonstrates the existence of an informal
12 custom or policy of promoting, tolerating, and ratifying the continuing unlawful arrests by
13 officers employed by the City of Seattle.

14 43. The City of Seattle’s improper training permitted each defendant officer to use
15 poor judgment in assessing whether there was probable cause to arrest plaintiff.

16 44. The foregoing acts, omissions, and systemic failures are customs and policies of
17 the City of Seattle, which caused its officers to believe that their unlawful arrest of plaintiff
18 would not be probably investigated, with the foreseeable result that officers would likely cause
19 the deprivation of rights that occurred in this case. Such conduct on the part of the City of Seattle
20 renders it liable for its deputies’ constitutional violations.

21 45. As a direct and proximate cause of the aforesaid acts, omissions, policies,
22 customs, and ratification of the City of Seattle, the individual defendant deputies caused the
23 constitutional violations and the damages described above.

46. Defendant City of Seattle is liable for the harm to plaintiff described herein.

47. At all times herein mentioned, the City of Seattle had a mandatory duty of care to properly and inadequately hire, train, supervise, and discipline its officers so as to avoid unreasonable risk of harm to citizens. With deliberate indifference, the City of Seattle failed to take necessary, proper, or adequate measures in order to prevent the violation of plaintiff's rights. The acts of the deputies as described above show that they do not know what constitutes probable cause to arrest because of inadequate training by the City of Seattle.

FOURTH CLAIM FOR RELIEF

(Respondent Superior – against defendants State of Washington, Seattle Central Community College, and the City of Seattle)

48. Plaintiff realleges and incorporates by reference herein paragraphs 1 through 47 with the same force and effect as if such paragraphs were separately realleged in this Fourth Claim for Relief.

49. In doing the things herein alleged, defendants Malone, Renner, Frame, and Workinger were acting within the course and scope of their employment with the State of Washington, Seattle Central Community College, and/or the City of Seattle. The State of Washington, Seattle Central Community College, and the City of Seattle are therefore liable for the conduct of the individual defendants and for plaintiff's damages.

FIFTH CLAIM FOR RELIEF

(False Arrest and False Imprisonment – against all defendants)

50. Plaintiff realleges and incorporates by reference herein paragraphs 1 through 49 with the same force and effect as if such paragraphs were separately realleged in this Fifth Claim for Relief.

52. As a direct and proximate result of defendant officers' intentional conduct, plaintiff sustained economic and non-economic damages, including, without limitation, mental suffering, embarrassment, emotional distress, emotional trauma, and other mental pain and suffering; and other damages, which said damages will be proven at trial.

PRAYER FOR RELIEF

WHEREFORE, plaintiff prays for the following relief against defendants:

A. For general and special compensatory damages for plaintiff and against defendant
City of Seattle in the amount according to proof at trial;

B. For punitive damages against defendants Malone, Frame, Renner, and Worker in the amount according to proof at trial;

C. For reasonable attorneys' fees and costs pursuant to the provisions of 42 U.S.C. § 1988 or any other applicable law;

D. For costs of suit incurred herein; and

E. For such other and further relief as the Court may deem just.

DATED this 14th day of July, 2016.

CIVIL RIGHTS JUSTICE CENTER, PLLC

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